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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
 Plaintiff

vs.

STEVEN GRIMM,
 Defendant

CASE NO: 2:08-cr-64-JCM (GWF)

**DEFENDANT’S MOTION TO EXTEND
 TIME TO FILE REPLY TO
 GOVERNMENT’S RESPONSE TO
 MOTION TO VACATE, SET ASIDE OR
 CORRECT SENTENCE UNDER 28 U.S.C.
 § 2255 [ECF 707; 801]**

This Motion to Extend Time is the fourth request (the first three requests having been filed by Steven Grimm, in proper person).

Defense respectfully moves this Court for an Order extending the time to file its Reply to Government’s Response to Defendant’s Motion to Vacate, Set Aside or Correct Sentence Under 28 U.S.C. § 2255 [ECF 707]. The reason is the continual need to investigate and difficulties in communication between Defense Counsel and Mr. Grimm.

Counsel was appointed for Mr. Grimm on August 21, 2020 [ECF 802]. On August 24, 2020, a Motion to Extend Time (First Request) to File a Reply to [801] Response to [707] Motion to Vacate (2255) was filed by Steven Grimm, in proper person [ECF 805]. While the parties were in the midst of litigating Mr. Grimm’s Motion for Compassionate Release, Mr. Grimm filed a Motion to Extend Time (Second Request) in proper person on November 12, 2020 [ECF 817]. On

1 January 29, 2021, Mr. Grimm filed a third Motion to Extend Time (Third Request) to Reply to 801
2 Response to 707 Motion Vacate (2255), filed in proper person [ECF 832]. Mr. Grimm has also
3 filed several letters with the Court detailing the communication difficulties, which Counsel
4 believes stems from to the Covid-19 pandemic [ECF 836; 837].
5

6 From Counsel's initial appointment to approximately November 2020, Counsel and Mr.
7 Grimm communicated frequently through the Corrlinks email system; however, Mr. Grimm had
8 indicated his facility at Texarkana Federal Correctional Institution was entering a lockdown to stop
9 the spread of Covid-19, and thereafter communication has been extremely difficult. Counsel has
10 attempted to contact Mr. Grimm through multiple correspondences since that time, but Mr.
11 Grimm's pro se filings indicate that he has not received these correspondences. To date, Counsel
12 has not received any correspondence, phone calls or communications through Corrlinks from Mr.
13 Grimm since the initial shutdown. As written correspondences do not seem to be reaching Mr.
14 Grimm, Defense Counsel is attempting to facilitate telephonic communication.
15

16 Because of the foregoing reasons, Defense Counsel requests another sixty days to re-
17 establish communication with Mr. Grimm and in furtherance of investigation on his Reply to the
18 Government's Response to his Motion to Vacate.
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20 This Motion is not submitted solely for the purpose of delay or for any other improper
21 purpose.
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1 This Court should grant an extension of time to, and including, June 26, 2021.

2 Dated: April 29, 2021

3 Respectfully Submitted,

4 /s/ Kelsey Bernstein
5 Kelsey Bernstein, Esq.
6 Nevada Bar No. 13825
7 Attorney for Defendant

8
9 IT IS SO ORDERED:

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11 
12 JAMES C. MAHAN
13 UNITED STATES DISTRICT COURT JUDGE

14 Dated: April 29, 2021